

EX PARTE OR LATE FILED
INFORMATION TECHNOLOGY INDUSTRY COUNCIL

December 17, 1998

Ms. Magalie Salas
Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington D.C. 20554

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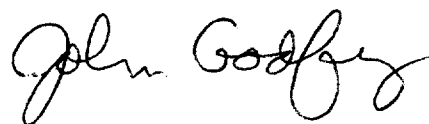
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Salas:

I am enclosing an original and one copy of the Information Technology Industry Council's summary of its oral ex parte presentation on October 13, 1998 to staff of the Office of Engineering and Technology on the Notice of Proposed Rulemaking in General Docket No. 98-68, "1998 Biennial Regulatory Review-- Amendment of Parts 2, 25, and 68 of the Commission's Rules to Further Streamline the Equipment Authorization Process for Telephone Terminal Equipment, Implement Mutual Recognition Agreements and Begin Implementation of the Global Mobile Personal Communications by Satellite (GMPCS) Arrangements."

Please accept my apologies for the lateness of this summary. All of the points raised in the oral presentation were covered in our Comments and Reply Comments in this rule making, so it is our hope and expectation that no parties were disadvantaged by our oversight in not making this summary available earlier.

With regards,



John Godfrey
Director for Technology Policy

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**Summary of Ex Parte Oral Presentation
on General Docket No. 98-68**

to staff of the Office of Engineering and Technology
by the Information Technology Industry Council

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October 13, 1998

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

On October 13, 1998, the Information Technology Industry Council (ITI) made an oral ex parte presentation to staff of the Federal Communications Commission Office of Engineering and Technology (OET). The subject was the Commission's Notice of Proposed Rule Making (NPRM) in General Docket No. Number 98-68, "1998 Biennial Regulatory Review--Amendment of Parts 2, 25, and 68 of the Commission's Rules to Further Streamline the Equipment Authorization Process for Telephone Terminal Equipment, Implement Mutual Recognition Agreements and Begin Implementation of the Global Mobile Personal Communications by Satellite (GMPCS) Arrangements." Participants in the meeting were:

J. Knapp and A. Wall, OET
J. Lambert and C. Wu, Cisco Systems
H.R. Hofmann and S. Crosby, Lucent Technologies
J. Godfrey, ITI

ITI began by summarizing its Comments and Reply Comments on the NPRM. ITI expressed its strong support for Commission actions that streamline the equipment authorization program and improve the time to market for information technology equipment without impairing the public's protection from interference. ITI observed, however, that the Commission's approach to streamlining in the NPRM could be improved by accelerating the transition to acceptance of supplier's declarations of conformity to regulations.

ITI argued that the Commission's existing Declaration of Conformity process for approval of personal computers and peripherals has served the public interest in bringing products to market quickly that comply with electromagnetic emission limits. Supplier's declaration of conformity is being used by the European Union for approval of a growing range of telecommunications and information technology equipment. To achieve the greatest streamlining of approvals and the best facilitation of international trade, the Commission should apply supplier's declaration procedures to approval of additional categories of equipment with respect to electromagnetic emissions and network attachment requirements.

As ITI stated in its Reply Comments, problems that some commenters noted with the Commission's Declaration of Conformity procedures are limited strictly to administrative paperwork requirements. ITI has seen no evidence of interference problems related to approval of equipment under the Declaration of Conformity procedures. Recognizing the importance of

improving compliance with the administrative elements of the Declaration of Conformity procedures, ITI stated its intent to provide education and outreach to industry about the proper application of the Declaration of Conformity, including making tutorial materials freely available on the World Wide Web.

ITI repeated the suggestion made in its Comments and Reply Comments that the Commission, to the extent it moves forward with its proposed new rules to designate Telecommunications Certification Bodies (TCBs) in the private sector and in other countries, should not stop its own certification activities. Rather, the Commission should continue to offer certification services as a baseline alternative for manufacturers unless and until there develops a significantly competitive market for third-party certification services provided by TCBs.

ITI also urged the Commission to maintain its crucial post-marketing enforcement role. ITI observed that the product auditing requirements as written in the NPRM appear to delegate the enforcement role in practice to the TCBs. ITI believes such a delegation of enforcement would be inappropriate because of the potential for conflicts of interest on the part of TCBs, who could use their auditing role as a competitive tool to create markets for their services.

A handwritten signature in black ink, reading "John Godfrey". The signature is fluid and cursive, with the first and last names clearly legible.

John Godfrey
Director for Technology Policy
Information Technology Industry Council
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